

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

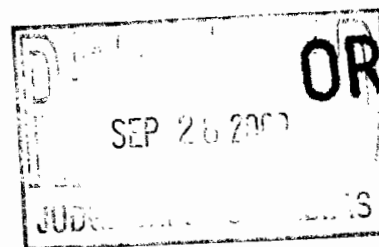
FAMILIES FOR FREEDOM, NATIONAL
IMMIGRATION PROJECT OF THE NATIONAL
LAWYERS' GUILD, RAFIU ABIMBOLA, and
CAMAL MARCHABEYOGLU,

Plaintiffs,

v.

JANET NAPOLITANO, Secretary of Homeland
Security,

Defendant.



ORIGINAL

ECF Case

No. 08 Civ. 4056 (DC)

STIPULATION AND
ORDER
OF SETTLEMENT
ATTORNEYS' FEES

U.S.D.C. SDNY
DO NOT FILE
ELECTRONICALLY
DOC #:
DATE FILED: 10/1/09

Whereas, on January 25, 2007, plaintiffs Families for Freedom, National Immigration Project of the National Lawyers' Guild, Rafiu Abimbola, and Camal Marchabeyoglu (the "Plaintiffs") submitted to the Department of Homeland Security ("DHS") a petition for rulemaking entitled "Petition for Rule-Making to Promulgate Regulations Governing Detention Standards for Immigration Detainees" (the "Petition");

Whereas, on April 30, 2008, Plaintiffs filed a complaint seeking to compel DHS to respond to the Petition;

Whereas, on June 26, 2009, the Court entered an order in favor of Plaintiffs;

Whereas, Plaintiffs have expressed an intent to file an application for attorneys' fees pursuant to the Equal Access to Justice Act;

Whereas, the parties wish to resolve Plaintiffs' fee application expeditiously and without the need for further litigation;

IT IS HEREBY STIPULATED AND AGREED, by and between the parties, through their respective counsel, as follows:

1. The United States shall pay to the Jerome N. Frank Legal Services Organization the sum of \$46,000 in attorneys' fees and litigation costs, pursuant to 28 U.S.C. §

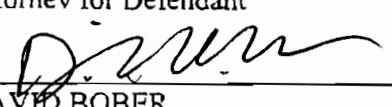
2412(d), which sum plaintiffs and their counsel agree to accept in full satisfaction of any attorneys' fees and costs plaintiffs have incurred or will incur for services performed in connection with this action.

2. Nothing in this Stipulation and Order shall constitute an admission on the part of the DHS or the United States (collectively, the "Government") that the Government's litigation position was not substantially justified.
3. The parties understand and agree that this Stipulation and Order contains the entire agreement between them, and that no statements, representations, promises, agreements, or negotiations, oral or otherwise, between the parties or their counsel that are not included herein shall be of any force or effect.
4. The parties agree that the United States District Court for the Southern District of New York shall retain jurisdiction over any controversy or claim arising out of or relating to this Stipulation and Order.

Dated: New York, New York
September 25, 2009

PREET BHARARA
United States Attorney for the
Southern District of New York
Attorney for Defendant

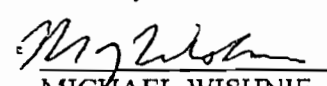
By:


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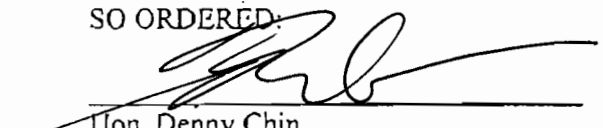
Dated: New York, New York
September 25, 2009

JEROME N. FRANK LEGAL
SERVICES ORGANIZATION
Attorneys for Plaintiffs

By:


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SO ORDERED:


Hon. Denny Chin
United States District Judge

10/1/09